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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 RENISHA HEMANTKUMAR PATEL,

10 Petitioner,

11 v.

12 U.S. DEPARTMENT OF HOMELAND
13 SECURITY, et al.,

14 Respondents.

15 CASE NO. C19-841-RAJ-BAT

16 **ORDER GRANTING TEMPORARY
17 STAY OF REMOVAL AND
18 DIRECTING SERVICE**

19 Petitioner, proceeding through counsel, has filed a 28 U.S.C. § 2241 habeas corpus
20 petition and a motion requesting an emergency stay of removal and a stay of transfer from this
21 judicial district. Petitioner is currently detained by U.S. Immigration and Customs Enforcement
22 (“ICE”) at the Northwest Detention Center in Tacoma, Washington, and has been told that her
23 removal is imminent, which she understands to mean that she will be transferred out of the
Northwest Detention Center and then removed within the next day or two. Petitioner claims that
she has a fear of persecution if she is returned to India because a man, who is well-connected
with the police, is attempting to force her into an interreligious marriage and has threatened to
kidnap and/or kill her and has also threatened her family. An asylum officer made a Negative
Credible Fear Determination, and she claims that the immigration judge who reviewed that

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1 determination failed to give her a fair hearing in violation of her Fourth and Fifth Amendment
2 rights.

3 Having reviewed petitioner's submissions, the Court **ORDERS**:

4 (1) In light of the immediacy of irreparable harm to petitioner pending the Court's
5 review of the case's merits, petitioner's removal is temporarily **STAYED** until the motion for
6 stay is resolved. Petitioner's transfer from this judicial district is also temporarily **STAYED**
7 pending resolution of the motion to stay. The Court expresses no views at this time as to the
8 merits of petitioner's habeas petition or request for stay.

9 (2) If not previously accomplished, electronic posting of this Order and petitioner's
10 § 2241 habeas petition shall effect service upon the United States Attorney of the petition and all
11 supporting documents, including the emergency request for stay of removal. Service upon the
12 United States Attorney is deemed to be service upon the named respondents.

13 (3) On or before **July 3, 2019**, respondent(s) shall file a return and status report
14 ("RSR") as provided in 28 U.S.C. § 2243, explaining why the Court should not grant petitioner's
15 petition. As a part of such return, respondent(s) shall submit a memorandum of authorities in
16 support of their position and state whether an evidentiary hearing is necessary. Also as a part of
17 the return, respondent(s) shall respond to petitioner's request for stay.

18 (4) In accordance with LCR 7(d), respondent(s) shall note their return for
19 consideration on **July 26, 2019**. Petitioner may file and serve a response on or before **July 22,**
20 **2019**, and respondent(s) may file and serve a reply on or before the noting date.

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1 (5) The Clerk shall send a copy of this Order to counsel for petitioner, the United
2 States Attorney for the Western District of Washington, and the Honorable Brian A. Tsuchida.

3 DATED this 3rd day of June, 2019.

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The Honorable Richard A. Jones
United States District Judge

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